

Union Calendar No. 139

109TH CONGRESS
1ST SESSION

H. R. 1129

[Report No. 109-252]

To authorize the exchange of certain land in the State of Colorado.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2005

Mr. UDALL of Colorado introduced the following bill; which was referred to the Committee on Resources

OCTOBER 25, 2005

Additional sponsor: Mr. SALAZAR

OCTOBER 25, 2005

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on March 3, 2005]

A BILL

To authorize the exchange of certain land in the State of Colorado.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Pitkin County Land*
 3 *Exchange Act of 2005”.*

4 **SEC. 2. PURPOSE.**

5 *The purpose of this Act is to authorize, direct, expedite,*
 6 *and facilitate the exchange of land between the United*
 7 *States, Pitkin County, Colorado, and the Aspen Valley*
 8 *Land Trust.*

9 **SEC. 3. DEFINITIONS.**

10 *In this Act:*

11 (1) *ASPEN VALLEY LAND TRUST.*—

12 (A) *IN GENERAL.*—*The term “Aspen Valley*
 13 *Land Trust” means the Aspen Valley Land*
 14 *Trust, a nonprofit organization as described in*
 15 *section 501(c)(3) of the Internal Revenue Code of*
 16 *1986.*

17 (B) *INCLUSIONS.*—*The term “Aspen Valley*
 18 *Land Trust” includes any successor, heir, or as-*
 19 *sign of the Aspen Valley Land Trust.*

20 (2) *COUNTY.*—*The term “County” means Pitkin*
 21 *County, a political subdivision of the State of Colo-*
 22 *rado.*

23 (3) *FEDERAL LAND.*—*The term “Federal land”*
 24 *means the land directed for exchange between the*
 25 *United States Forest Service, the Bureau of Land*

1 *Management, and Pitkin County under this Act that*
2 *is comprised of the following parcels:*

3 *(A) The approximately 5.5 acres of Na-*
4 *tional Forest System land located in the County,*
5 *as generally depicted on the map entitled “Ryan*
6 *Land Exchange-Wildwood Parcel Conveyance to*
7 *Pitkin County” and dated August 2004.*

8 *(B) The 12 parcels of National Forest Sys-*
9 *tem land located in the County totaling approxi-*
10 *mately 5.92 acres, as generally depicted on the*
11 *map entitled “Ryan Land Exchange-Smuggler*
12 *Mountain Patent Remnants Conveyance to*
13 *Pitkin County” and dated August 2004.*

14 *(C) The approximately 40 acres of Bureau*
15 *of Land Management land located in the Coun-*
16 *ty, as generally depicted on the map entitled*
17 *“Ryan Land Exchange-Crystal River Parcel*
18 *Conveyance to Pitkin County” and dated August*
19 *2004.*

20 *(4) NON-FEDERAL LAND.—The term “non-Fed-*
21 *eral land” means the land directed for exchange be-*
22 *tween Pitkin County and the United States Forest*
23 *Service under this Act that is comprised of the fol-*
24 *lowing parcels:*

(A) *The approximately 35 acres of non-Federal land in the County, as generally depicted on the map entitled “Ryan Land Exchange-Ryan Property Conveyance to Forest Service” and dated August 2004.*

(B) *The approximately 18.2 acres of non-Federal land located on Smuggler Mountain in the County, as generally depicted on the map entitled “Ryan Land Exchange-Smuggler Mountain-Grand Turk and Pontiac Claims Conveyance to Forest Service”.*

(5) *SECRETARY.—The term “Secretary” means the Secretary of Agriculture.*

SEC. 4. LAND EXCHANGE.

(a) *IN GENERAL.—If the County offers to convey to the United States title to the non-Federal land that is acceptable to the Secretary, the Secretary and the Secretary of the Interior shall—*

(1) accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, simultaneously convey to the County, or at the request of the County, to the Aspen Valley Land Trust, all right, title, and interest of the United States in and to the Federal land, subject to all valid existing rights and encumbrances.

1 (b) *TIMING.*—

2 (1) *IN GENERAL.*—*Except as provided in para-*
3 *graph (2), it is the intent of Congress that the land*
4 *exchange directed by this Act shall be completed not*
5 *later than 1 year after the date of enactment of this*
6 *Act.*

7 (2) *EXCEPTION.*—*The Secretary, the Secretary of*
8 *the Interior, and the County may agree to extend the*
9 *deadline specified in paragraph (1).*

10 **SEC. 5. EXCHANGE TERMS AND CONDITIONS.**

11 (a) *EQUAL VALUE EXCHANGE.*—*The value of the Fed-*
12 *eral land and non-Federal land directed to be exchanged*
13 *under this Act—*

14 (1) *shall be equal; or*

15 (2) *shall be made equal in accordance with sub-*
16 *section (c).*

17 (b) *APPRAISALS.*—

18 (1) *IN GENERAL.*—*The value of the Federal land*
19 *and non-Federal land shall be determined by the Sec-*
20 *retary through appraisals conducted in accordance*
21 *with—*

22 (A) *the Uniform Appraisal Standards for*
23 *Federal Land Acquisitions;*

24 (B) *the Uniform Standards of Professional*
25 *Appraisal Practice; and*

1 (C) *Forest Service appraisal instructions.*

2 (2) *VALUE OF CERTAIN FEDERAL LAND.—In con-*
 3 *ducting the appraisal of the parcel of Federal land*
 4 *described in section 3(3)(C), the appraiser shall not*
 5 *consider the easement required for that parcel under*
 6 *subsection (d)(1) for purposes of determining the*
 7 *value of that parcel.*

8 (c) *EQUALIZATION OF VALUES.—*

9 (1) *SURPLUS OF NON-FEDERAL LAND.—If the*
 10 *final appraised value of the non-Federal land exceeds*
 11 *the final appraised value of the Federal land, the*
 12 *County shall donate to the United States the excess*
 13 *value of the non-Federal land, which shall be consid-*
 14 *ered to be a donation for all purposes of law.*

15 (2) *SURPLUS OF FEDERAL LAND.—*

16 (A) *IN GENERAL.—If the final appraised*
 17 *value of the Federal land exceeds the final ap-*
 18 *praised value of the non-Federal land, the value*
 19 *of the Federal land and non-Federal land may*
 20 *be equalized by the County—*

21 (i) *making a cash equalization pay-*
 22 *ment to the Secretary;*

23 (ii) *conveying to the Secretary certain*
 24 *land located in the County, comprising ap-*
 25 *proximately 160 acres, as generally depicted*

on the map entitled “Sellar Park Parcel”
and dated August 2004; or

(iii) using a combination of the methods described in clauses (i) and (ii), as the Secretary and the County determine to be appropriate.

(B) DISPOSITION AND USE OF PROCEEDS.—

(i) DISPOSITION OF PROCEEDS.—Any cash equalization payment received by the Secretary under subparagraph (A)(i) shall be deposited in the fund established by Public Law 90–171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(ii) USE OF PROCEEDS.—Amounts deposited under clause (i) shall be available to the Secretary, without further appropriation, for the acquisition of land or interests in lands in Colorado for addition to the National Forest System.

(d) CONDITIONS ON CERTAIN CONVEYANCES.—

(1) CONDITIONS ON CONVEYANCE OF CRYSTAL RIVER PARCEL.—

(A) IN GENERAL.—The Secretary of the Interior shall not convey to the County the parcel of land described in section 3(3)(C) until the

1 *County grants to the Aspen Valley Land Trust,*
2 *the Roaring Fork Conservancy, or any other en-*
3 *tity acceptable to the Secretary of the Interior*
4 *and the County, a permanent conservation ease-*
5 *ment to the parcel, the terms of which—*

6 *(i)(I) provide public access to the par-*
7 *cel; and*

8 *(II) require that the parcel shall be*
9 *used only for recreational, fish and wildlife*
10 *conservation, and open space purposes; and*

11 *(ii) are acceptable to the Secretary of*
12 *the Interior.*

13 *(B) REVERSION.—In the deed of conveyance*
14 *that conveys the parcel of land described in sec-*
15 *tion 3(3)(C) to the County, the Secretary of the*
16 *Interior shall provide that title to the parcel*
17 *shall, at the discretion of the Secretary of the In-*
18 *terior, revert to the United States at no cost to*
19 *the United States if—*

20 *(i) the parcel is used for a purpose*
21 *other than that described in subparagraph*
22 *(A)(i)(II); or*

23 *(ii) the County or the entity holding*
24 *the conservation easement elect to dis-*
25 *continue administering the parcel.*

1 (2) *CONDITIONS ON CONVEYANCE OF WILDWOOD*
 2 *PARCEL.—In the deed of conveyance of the parcel de-*
 3 *scribed in section 3(3)(A) to the County, or at the re-*
 4 *quest of the County, to the Aspen Valley Land Trust,*
 5 *the Secretary shall, as determined appropriate by the*
 6 *Secretary in consultation with the County, reserve to*
 7 *the United States a permanent easement to the parcel*
 8 *for the location, construction and public use of the*
 9 *East of Aspen Trail.*

10 **SEC. 6. MISCELLANEOUS PROVISIONS.**

11 (a) *INCORPORATION, MANAGEMENT, AND STATUS OF*
 12 *ACQUIRED LAND.—*

13 (1) *IN GENERAL.—Land acquired by the Sec-*
 14 *retary under this Act shall become part of the White*
 15 *River National Forest.*

16 (2) *MANAGEMENT.—On acquisition, land ac-*
 17 *quired by the Secretary under this Act shall be ad-*
 18 *ministered in accordance with the laws (including*
 19 *rules and regulations) generally applicable to the Na-*
 20 *tional Forest System.*

21 (3) *LAND AND WATER CONSERVATION FUND.—*
 22 *For purposes of section 7 of the Land and Water Con-*
 23 *servation Fund Act of 1965 (16 U.S.C. 460l–9), the*
 24 *boundaries of the White River National Forest shall*

1 *be deemed to be the boundaries of the White River Na-*
2 *tional Forest as of January 1, 1965.*

3 **(b) REVOCATION OF ORDERS AND WITHDRAWAL.—**

4 **(1) REVOCATION OF ORDERS.—***Any public orders*
5 *withdrawing any of the Federal land from appropria-*
6 *tion or disposal under the public land laws are re-*
7 *voked to the extent necessary to permit disposal of the*
8 *Federal land.*

9 **(2) WITHDRAWAL OF FEDERAL LAND.—***On the*
10 *date of enactment of this Act, if not already with-*
11 *drawn or segregated from entry and appropriation*
12 *under the public land laws (including the mining and*
13 *mineral leasing laws) and the Geothermal Steam Act*
14 *of 1970 (30 U.S.C. 1001 et seq.), the Federal land is*
15 *withdrawn, subject to valid existing rights, until the*
16 *date of the conveyance of the Federal land to the*
17 *County.*

18 **(3) WITHDRAWAL OF NON-FEDERAL LAND.—***On*
19 *acquisition of the non-Federal land by the Secretary,*
20 *the non-Federal land is permanently withdrawn from*
21 *all forms of appropriation and disposition under the*
22 *public land laws (including the mining and mineral*
23 *leasing laws) and the Geothermal Steam Act of 1970*
24 *(30 U.S.C. 1001 et seq.).*

1 (c) *BOUNDARY ADJUSTMENTS.*—*The Secretary with*
2 *jurisdiction over the land and the County may agree to—*

3 (1) *minor adjustments to the boundaries of the*
4 *Federal land and non-Federal land parcels; and*

5 (2) *modifications or deletions of parcels and*
6 *mining claim remnants of Federal land or non-Fed-*
7 *eral land to be exchanged on Smuggler Mountain.*

8 (d) *MAP.*—*If there is a discrepancy between a map,*
9 *acreage estimate, and legal or other description of the land*
10 *to be exchanged under this Act, the map shall prevail unless*
11 *the Secretary with jurisdiction over the land and the Coun-*
12 *ty agree otherwise.*

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